

REMARKS

The present Amendment is submitted with the fee for a one month extension of time and a Request for Continued Examination that is provided herewith. Authorization is provided herewith to pay any underpayment of fees or credit any overpayment of fees to Deposit Account No. 02-4800.

I. AMENDMENT OF THE CLAIMS

An advisory action was mailed on February 17, 2009 that did not enter an Amendment filed on January 29, 2009. As may be seen in the listing of claims, the claims have been amended in view of the fact that the Amendment of January 29, 2009 was not entered. For that reason, Applicants do not request entry of the January 29, 2009 Amendment.

II. RESPONSE TO THE REJECTION OF CLAIMS 14-31

The Examiner rejected all the pending claims under 35 U.S.C. § 102 in view of U.S. Patent No. 7,353,280 to Chiles et al. in the Final Office Action, dated December 9, 2008.

A. Burden of Proving Anticipation Under 35 U.S.C. § 102

"In order to demonstrate anticipation, the proponent must show that the four corners of a single, prior art document describe every element of the claimed invention." *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 88 U.S.P.Q.2d 1751, 1758, 2008 WL 4614511, *8 (Fed. Cir. 2008). The prior art reference relied upon to show anticipation "must not only disclose all elements of the claim within the four corners of the document, but also disclose those elements arranged as in the claim." *Id.* "As arranged in the claim means that a reference that discloses all of the claimed ingredients, but not in the order claimed, would not anticipate because the reference would be missing any disclosure of the limitations of the claimed invention arranged as

in the claim." *Id.* "The test is thus more accurately understood to mean arranged or combined in the same way as in the claim." *Id.*

B. Chiles et al. Do Not Teach Every Element Of The Pending Claims

The Examiner contends that Chiles et al. discloses a unique address of a first network element that is transferred to the external device without being converted by a network node device at Column 10, lines 36-49. (Final Office Action, at 13). This portion of Chiles et al., however, merely teaches a home gateway device that **enables a client device to receive its own unique identifier from a host system** via a PPP session. This is not a disclosure of network element transferring a unique address. To the contrary, this reference discloses a host system that assigns a unique identifier, such as an internet address to a client device via a PPP session.

Chiles et al. disclose that the home gateway device 815 is used to deliver an end-to-end exchange between a client device and a host system. (Col. 12, lines 49-67). PPPoE is used to deliver the PPP traffic from the client device to the home gateway device. (Col. 12, lines 59-60). The home gateway device 815 then strips off the PPPoE header leaving the PPP traffic. (Col. 12, lines 64-65). The home gateway device 815 then replaces the PPPoE header with a valid L2TP session header so that the original PPP traffic is sent in the L2TP tunnel to the host system. (Col. 12, line 65 through Col. 13, line 1). The home gateway device 815 disclosed by Chiles et al. **converts the unique address of a first network element when such a unique address is transferred to an external device.** Chiles et al. do not teach or suggest the transference of such information without a conversion by a network node device or network node element as required by claims 14-35. Therefore, Chiles et al. cannot anticipate any of the pending claims.

C. Claims 18-20 Are Allowable Over Chiles et al.

The Examiner cited Column 10, lines 50-67 of Chiles et al. as teaching a verification being carried out "before the transparent connection for the first network element is set up to determine whether a connection of the same type already exists for at least one other network element or for the network node device." (Final Office Action, at 14).

However, Chiles et al. do not teach or suggest any "transparent connection." As discussed above, Chiles et al. do not teach the use of PPPoE protocol or other expanded packet-oriented protocol for communication between a network element and an external device such as a host system. To the contrary, Chiles et al. disclose a PPP tunnel that requires PPPoE communications to be converted prior to sending through the PPP tunnel. (Col. 12, line 65 through Col. 13, line 1).

Further, Chiles et al. do not teach or suggest any verification being carried out before a transparent connection is set up to determine whether a connection of the same type already exists for at least one other network element. Column 10, lines 50-67 of Chiles et al. fail to disclose any transparent connection between a network element and an external element. To the contrary, this portion of Chiles et al. merely discloses communication of a home gateway system to the client devices. There is no disclosure of any verification of any transparent connections between any of the client devices to the host system or network elements to an external device.

D. Claims 21-22 Are Allowable Over Chiles et al.

The Examiner cites Column 15, line 62 through Column 16, line 3 and Column 16, lines 21-25 of Chiles et al. as teaching a "maximum number of transparent connections is defined depending on a specification of the external device." This portion of Chiles et al., however, does

not disclose any maximum number of transparent connections nor any maximum number of such connections being defined by an external device. To the contrary, this portion of Chiles et al disclose that a host system and a home gateway device may communicate over one broadband link and that multiple DHCP capable client devices may receive independent internet addresses from the host system using only one communication tunnel. This is not a teaching of any maximum number of transparent connections.

Indeed, this portion of Chiles et al. teaches the opposite of having an external device define a maximum number of any kind of connection. For instance, lines 20-25 of Column 16 teach and suggest that the number of connections may be limited by the number of DHCP capable client devices that are configured to receive independent internet addresses from a host system. There is no teaching that the host system define or specify the maximum amount of connections.

E. Claim 24 Is Allowable Over Chiles et al.

The Examiner contends that Column 11, lines 1-15 teach "cancelling an existing transparent connection and subsequently establishing a transparent connection between the external device and a second network element." The basis for this contention is without merit. Column 11, lines 1-15 disclose adding a static route from the home gateway system to a host system to "prevent a new default route from interfering with the tunnel traffic between the home gateway device 815 and the host system 530." (Col. 11, lines 13-15). There is no cancelling of an existing connection disclosed in this portion of Chiles et al. Further, there is no teaching of subsequently establishing a transparent connection between an external device and a second network element. The rejection of claim 24 should be withdrawn.

F. Claims 25 And 26 Are Allowable Over Chiles et al.

The Examiner contends that Chiles et al. teach the limitations of claim 25 at Column 14, lines 50-53. The portion of Chiles et al. relied upon by the Examiner disclose the termination of a connection between a client device and a home gateway device. There is no disclosure of any termination of a connection between a client device and the home system or a network element and an external device. Therefore, this portion of Chiles et al. cannot teach any termination of a transparent connection.

Claim 26 depends from claim 25. Therefore, claim 26 also contains the limitations of claim 25 that are not taught by Chiles et al. Thus, the rejection of claims 25 and 26 should be withdrawn.

III. CONCLUSION

For at least the above reasons, reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

/Ralph G. Fischer/

Dated: April 6, 2009

(412) 392-2121

Ralph G. Fischer
Registration No. 55,179
BUCHANAN INGERSOLL & ROONEY PC
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15219
Attorney for Applicant